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6 Attorneys for Plaintiff
United States of America
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 MARIO ANTONIO SALCIDO,
15 Defendant.

CASE NO. 1:21-CR-00127-ADA-BAM
STIPULATION VACATING STATUS
CONFERENCE AND SETTING CHANGE OF
PLEA HEARING; [PROPOSED] FINDINGS AND
ORDER

17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for Status Conference on September 13, 2023.
- 21 2. By this stipulation, defendant now moves to vacate the status conference on September
22 13, 2023, and set a change of plea hearing on October 2, 2023, at 1:00 p.m., and to exclude time
23 between September 13, 2023, and October 2, 2023, at 1:00 p.m., under 18 U.S.C. § 3161(h)(7)(A), B(iv)
24 [Local Code T4].
- 25 3. The parties agree and stipulate, and request that the Court find the following:
 - 26 a) The government has represented that the discovery associated with this case
27 includes reports, videos, photographs, and the recorded statement of the defendant. All of this
discovery has been produced directly to counsel and/or made available for inspection.

1 b) The defendant filed a motion to suppress on July 6, 2022. Docket No. 26. The
2 government filed its response on May 22, 2023. A hearing on the motions occurred on July 11,
3 2023. On August 11, 2023, the Court issued an order denying the motion to suppress.

4 c) Counsel for defendant desires additional time to finalize the plea documents prior
5 to the hearing.

6 d) Counsel for defendant believes that failure to grant the above-requested
7 continuance would deny him the reasonable time necessary for effective preparation, taking into
8 account the exercise of due diligence.

9 e) The government does not object to the continuance.

10 f) Based on the above-stated findings, the ends of justice served by continuing the
11 case as requested outweigh the interest of the public and the defendant in a trial within the
12 original date prescribed by the Speedy Trial Act.

13 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of September 13, 2023 to October 2,
15 2023, at 1:00 p.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv)
16 [Local Code T4] because it results from a continuance granted by the Court at defendant's
17 request on the basis of the Court's finding that the ends of justice served by taking such action
18 outweigh the best interest of the public and the defendant in a speedy trial.

19 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
20 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
21 must commence.

22 IT IS SO STIPULATED.

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24 Dated: August 31, 2023

PHILLIP A. TALBERT
United States Attorney

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26 _____
27 /s/ ANTONIO J. PATACA
28 ANTONIO J. PATACA
 Assistant United States Attorney

1 Dated: August 31, 2023

/s/ TIMOTHY P. HENNESSY

2 TIMOTHY P. HENNESSY

3 Counsel for Defendant

4 MARIO ANTONIO SALCIDO

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2 **ORDER**
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4 IT IS SO ORDERED that the status conference set for September 13, 2023, is vacated. A change
5 of plea hearing is set for **October 2, 2023, at 8:30 a.m. before District Judge Ana de Alba.** Time is
6 excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).
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8 IT IS SO ORDERED.
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10 Dated: August 31, 2023

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12 */s/ Barbara A. McAuliffe*
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14 UNITED STATES MAGISTRATE JUDGE
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